

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BCC Meeting Tuesday, February 26, 2019

Item/Issue: Item #19-0220 – PHQJ1 – North River Shores Tennis Club Inc. Request Amendment to Special Exception

Name of person, group or entity with which communication took place:

James (Mac) Stuckey of North River Shores Tennis Club

Subject matter of communication:

North River Shores Tennis Club Request Amendment to Special Exception

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

None

Colleen Pachowicz

Subject: Mac (James) Stuckey - Atty re: North River Shores Tennis Club Amendment for Site Plan
Agenda Item going to BCC on Feb. 26

Location: Commissioner Jenkins' Office

Start: Thu 2/21/2019 11:00 AM

End: Thu 2/21/2019 11:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Harold Jenkins

Required Attendees: Colleen Pachowicz

PH: (772) 370-4796

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Name of Board/Agency:

BCC Meeting Tuesday, February 26, 2019

Item/Issue: Item #19-0293 – PHQJ2 – Request for Approval of a PUD Zoning Agreement and Master Site Plan for Bridgewater Preserve (P15-006)

Name of person, group or entity with which communication took place:

Bob Raynes (Gunster) and Morris Crady (Lucido and Associates)

Subject matter of communication:

Bridgewater PUD and Lianne Maxson – Dune Preservation Zone Modification

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

Please see emails attached

Colleen Pachowicz

Subject: Meet w/ Bob Raynes & Morris Crady re: Bridgewater PUD and Lianne Maxson - Dune Preservation Zone Modification

Start: Mon 5/21/2018 10:30 AM
End: Mon 5/21/2018 11:00 AM

Recurrence: (none)

Organizer: Harold Jenkins

From: Marie M. Freitag
To: [DONNA S. MELZER](#)
Subject: Re: Forum Highlights/ALERTS -- At Bottom Maggy's Speech on Comp Plan Fiscal Requirements
Date: Monday, April 24, 2017 3:27:59 PM

Once again thank you, Donna, for the wonderful letters from Attorney, Ginny Sherlock of Stuart and our Comp Plan Author of "CONTROLLED GROWTH", Maggy Hurchalla to protect our unique life style here in Martin County. I would like to see ALL 3 of you sitting on the Board of County Commissioners, along with Com. Sarah Heard & Com. Ed Fielding. What a "UNIFIED" team that would make with ALL tax paying residents being the beneficiaries of the decisions made!

After reading every word of your message, I sometimes wonder exactly who the "HIGHLY PAID STAFF" members are working for! I do not AGREE with many of their requests for Commissioner's approval. Time will tell exactly who is controlling the purse strings!

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"- MAKE IT A GREAT DAY"-

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Citizen's Forum "Speaking Up For Your Martin County" raised the awareness and energy of the residents.

Highlights/ALARMS - The new Commission Majority has been said to be "spending like Drunken Sailors." The Comp Plan requires "needs" be met before the Commission should be approving "wants" - read **Maggy's speech below**. Consider the tax referendum proposal, the budget, the Incorporation approvals [Is this Commission Majority really pushing for another layer of government that divides our county and avoids our Comp Plan Protections? Are they really claiming it will not costs taxpayers COUNTYWIDE?]

Ginny Sherlock Reports on Tomorrow's County Commission Meeting which is rife with high-price, high-density, neighborhood-impact proposals:

On Tuesday, the Board of County Commissioners will **consider seven other proposed Comp Plan amendments which would, in the aggregate, increase the number of homes that can be built on the affected parcels from about 200 units to more than 800 units.** The increase does not reflect a shortage of housing in Martin County. In fact, just this week we

learned that the long-dormant Banyan Bay project may be revived after more than a dozen years of inactivity, with yet another timetable extension delaying completion of the eyesore on South Kanner Highway until at least 2024.

Other unbuilt or unfinished developments can be found throughout the County. Nonetheless, Commissioners will be asked on Tuesday to authorize still more projects by changing our Comprehensive Plan to accommodate four times as many units as the Plan now allows.

The Visiting Nurse Association, Cove/Salerno Partners, Bridgewater Preserve, Cove Royal and Fernlea amendments (Agenda Items 6E-K) received mixed reviews from the Local Planning Agency. Staff has recommended approval of all but one of the amendments to allow higher density.

Curiously, staff recommends denial of another amendment that seems the most reasonable, the Circle K proposal to change the land use from Commercial Limited to Commercial General on a small parcel at the intersection of Cove Road and US #1.

Despite increasing traffic congestion and lack of funding for repair or replacement of failing infrastructure throughout the County, the Engineering Department has developed a formula for approving new projects that will “negatively impact the level of service” on existing inadequate roads. Engineering staff “can provide a ‘positive evaluation’” of virtually every proposed project because long-term transportation plans provide for eventual roadway improvements.

In other words, although a project will likely cause serious traffic congestion and burden existing roads that are already operating at capacity, staff recommends approval of new projects that will increase traffic because roadway improvements are planned during the next 10 or 25 years. The staff approval contains a caveat advising the applicant that the County is not legally required to approve development orders without a determination of adequate roadway capacity at the time of approval.

Wink. Wink.

Staff cites a Comp Plan policy which contains the caveat as justification for recommending approval of land use changes that negatively impact existing roadways but fails to cite Comp Plan policies and objectives that require the County to “ensure roadway capacity is available to accommodate the impacts of new development” (Policy 5.2A.2.) and to “ensure that no roadways in Martin County operate at a level of service lower” than the established standard (Objective 5.2A.)

In an item related to ensuring compliance with County rules and regulations, the Growth Management and Engineering Departments are **requesting that the Commission approve four new staff positions to provide increased “customer service” for permit applicants.**

Agenda Item 8B2 includes the “Hudson report” prepared in December of 2016 by former assistant County Administrator Dan Hudson that analyzes the County’s system for achieving compliance with building and development rules and regulations through permitting and code enforcement processes. The report is thorough, well-written and interesting – but not surprising – in its **conclusions that while the rules that protect Martin County from poor development are not objectionable, there are problems with compliance from the perspective of both developers and residents.** Land owners complain that compliance requirements are too complicated and in some cases unreasonable, while some residents complain that compliance is not being required by staff in many cases (for instance, the Langford Landing project that has provoked much public outrage).

Agenda item 8A2 seeks approval of a contract with the Martin County Firefighters union, which has been without a contract since September 2014. The County and the union have followed the terms of the expired contract by default, resulting in significant overtime costs. If the contract presented on Tuesday is approved by the Commission, it will be effective only through September of 2017, so negotiations will have to commence immediately on yet another contract, making firefighter union negotiations a year-round activity.

Finally, Agenda Item 8A1 proposes moving the Martin County Fairgrounds to a 107-acre County-owned parcel in Indiantown. The current Fairgrounds property (on South Dixie Highway near Indian Street in Stuart) is owned by the County (Yesterday, the speaker said the property cost taxpayers millions.) and leased to the non-profit Martin County Fairgrounds Association for \$10.00 a year. The Association wants more room to expand the annual County Fair but does not have money to purchase or renovate new property.

County taxpayers are being asked to pick up the tab for property renovations and extending water and sewer services to the new property, which is outside the Urban Services District. A comprehensive study of County properties last year came up with several suggestions for properties that could be used for an expanded Fairgrounds within the USD, but the property that is being proposed on Tuesday was not among the suggested parcels.

Before making any decisions increasing taxpayer costs related to the Fairgrounds, the County should insist on an audit of Fairground Association finances for the past few years.

In other matters on Tuesday's BCC agenda:

- Two proposed ordinances that were withdrawn from the last meeting agenda due to an advertising error will be considered on Tuesday: Agenda Item 6B establishing Roadway Design standards for traditional neighborhood streets and Item 6C amending the Parking and Loading Ordinance to **allow back-out parking on traditional neighborhood streets with a posted speed limit of 30mph or less.**
- The Consent Agenda contains the usual barrage of **open-ended contracts giving departments authority to spend \$4 million as they choose** and two low-bid contracts for improvements to SW Farm Road [A handout of yesterday suggests this within the area to be incorporated -- to be paid from countywide funds?] and Seabranh Boulevard for about \$2.5 million and \$875,000, respectively.
- Agenda Item 8B1 requests approval of an agreement for the **County to co-lease submerged lands with a private property owner in Port Salerno.** The agreement makes sense, but only if the private owners do not block off the public boardwalk constructed on the submerged lands that are adjacent to the private properties. The public has in the past been prevented from using the boardwalk by private business owners who blocked the boardwalk with outdoor seating or posted signs suggesting that only patrons who pay an entry charge have access to the public boardwalk.

As always, let commissioners know how you feel about these and other issues by attending the meeting at 9:00 a.m. Tuesday in Commission Chambers or by e-mailing commissioners at sheard@martin.fl.us, efieldin@martin.fl.us, hjenkins@martin.fl.us, eciampi@martin.fl.us, and dsmith@martin.fl.us, with copies to the County Administrator and the County Attorney at tkryzda@martin.fl.us and swoods@martin.fl.us.

Ginny Sherlock

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(Note: Two parentheses added by Donna Melzer, sender of this email -- the parentheses based on yesterday's speakers and handouts.)

MAGGY'S SPEECH

Martin County Conservation Alliance Forum April 22, 2017 By: Maggy Hurchalla

WHY WE NEED A COMP PLAN

Martin County is notorious for being different.

We grow slower than the other counties on the SE coast of Florida.

In spite of that we have a better economy.

Because of that, we have a better quality of life.

We have much stricter local environmental protection policies. Our environment is not just about wild things. Those policies include you and your neighborhood as part of the environment we're trying to protect.

All this does not take away private property's value. It makes it more valuable.

Compare two pieces of rural land at the Martin County/ St. Lucie County line. Environmental protection and land use restrictions are much stiffer on the Martin County parcel, but the property appraisers say that the Martin County parcel's market value is twice as high as the adjacent property in St. Lucie County..

Some years back a state economic study compared the value of vacant beachfront land in the two counties. Martin County required buildings to be set back from the dune and limited height to four stories. St. Lucie County had no such restrictions. Martin

County parcels sold for more.

The biggest reason for all this is that we have an uppity citizenry. You are what makes the difference.

You just proved that in getting the Planning Agency to reject the comprehensive plan amendment that would have taken away protection for little wetlands. If you had not gotten yourself educated and come out to the LPA meeting and been brave enough to talk, I don't know what would have happened.

The amendment has now been withdrawn by the applicant and little wetlands are safe for another year.

That's the other reason we're different - our Martin County Comprehensive Plan - which has been in effect since 1982

If it had just been up to any three county commissioners to decide whether they liked little wetlands or not, you probably wouldn't even know about the issue.

Our comp plan doesn't let that happen. It is specific in its policies. It says little wetlands WILL BE protected. It says the rules can't be waived by the commission.

If they decide they don't like little wetlands, they have to amend the comp plan. That takes time and gives you a chance to be part of the process.

When the monster Hobe Groves city west of the Turnpike asked for approval in 2012, it wasn't just a question of whether three commissioners liked the project. In fact, three of them said they did like it. But the project was not consistent with our comprehensive plan in a whole lot of important ways.

That meant they had to go through the year long process of a comprehensive plan change.

That gave the uppity citizens of Hobe Sound and the rest of the county a chance to point out the environmental and economic and community consequences of changing the comp plan's plan policies for one big developer.

Hobe Groves said they withdrew because of "the political climate."

It was an election year. The consultant for the Little Wetlands Amendment said last week that he withdrew because of “politics.”

I call it democracy and the rule of law.

Growth management rules need to be clear and predictable and fairly applied.

That’s the only way you can legally defend them. When you make an exception for one, you are on the road to making an exception for all.

I don’t expect all of you to go out and read the Martin County Comprehensive Plan from cover to cover, but it’s good to know what your basic protections are.

I asked Donna to bring copies of Chapter Two of the comp plan for you to take home with you. While we don’t all need to know all the details of the Plan, we do need to know what planning and growth management are about.

Reading Chapter Two is a good way to learn.

Chapter Two of the Plan includes the our Overall Goals. It starts with a noble statement that our comp plan is designed to protect your homes and your quality of life and our natural resources and to enhance the economy and fiscal conservancy.

That’s all very nice, but those words won’t protect you. They are too general.

The rest of Chapter Two restates those four important goals along with enforceable policies. That’s something that makes the Martin County Comp Plan different and has made it work the way it is supposed to.

Lots of local plans are made up of what I call “meaningless marshmallows”. They sound nice. They aren’t clearly defined. You can interpret them any way you want.

When our Plan was drafted, we spelled things out in clear predictable detail. Developers said “You don’t want to etch things in stone.” and suggested meaningless marshmallows instead.

The answer is that our comp plan is not etched in stone. It

can be changed.

There is a process that has to be followed. There is a Citizen's Bill of Rights that ensures that you can be part of that process.

To understand why we would want to get involved in that process, we need to know why our Plan matters.

The first goal in Chapter Two is about protecting quality of life. It includes our four story height limit and our 15 unit per acre density cap and buffers for residential areas to protect them from more intense land use.

The second goal is about natural resources. It includes protecting wetlands and making sure that development approvals do not further degrade our estuary. Hobe Groves sued us over that policy. They claimed it was unreasonable to ask them not to further degrade the Wild and Scenic Loxahatchee River. The judge said we could keep that policy.

The third goal is about the economy and finding objective measures of success.

The fourth goal says that "Prudent fiscal management shall be a primary goal in all county actions and in all development approvals."

Since I'm a well-known wild-eyed environmentalist, it might surprise that I'm going to focus on this last goal.

We need to understand that the larger concept in growth management is about living within your budget. It's about analyzing consequences and long term impacts and making sure you want to live with them – financially and otherwise.

We have land use and zoning so someone doesn't come along and build an all night car wash next to your home. We have environmental policies to protect the waterways we love and make sure that in the future we will have clean affordable drinking water for everyone we invite to come here.

Bad decisions about the future cost money. The cost comes in budget deficits and in deficits in our quality of life. Are you willing to write a blank check?

Back in the early 70's, that's what Florida did. We declared growth was great and problems would solve themselves. We ended up with schools on double sessions, sewer plants dumping into the river, and urban traffic jams. The solution was always to declare an emergency and pass a bond issue or adopt a new tax to "catch up with the backlog."

No one ever caught up. No one even suggested it might be a good idea to stop acquiring backlogs and emergencies. They just kept doing it over and over again until the public got sick of it.

Florida's Planning Act, first adopted in 1975 and updated in 1985, set a national standard for forcing communities to look at consequences. What were the impacts of a development? What facilities did it need? How would it be paid for? How would it affect existing residents?

The idea wasn't to look at projects one at a time, but to adopt a set of policies that would make sure those questions were answered in a way that was fair to developers and left us with a community we wanted to live in.

In the last ten years the state legislature has abandoned the state's role in growth management.

Martin County has not abandoned its comp plan.

Among the policies in the section on fiscal conservancy:

- Growth will pay for itself. Current taxpayers will not pay for the facilities that are needed for a new development.**
- Impact fees will be fair and accurate and will not cost developers more than they owe. The County cannot waive impact fees. They can pay impact fees out of tax dollars, but they cannot waive them and pretend the impact isn't there.**
- Property that gets approval for urban development can't keep claiming an agricultural exemption. That's a tax dodge that is used all over this state that costs local businesses and home owners a whole pile of money. King Ranch sued us over that provision. The judge said**

we could keep this policy.

- The County will adopt objective measures of fiscal success and provide an annual report to make sure backlogs aren't created.**
- The Capital Improvement Plan must show all the facilities that will be needed in the next ten years based on land use and expected growth.**
- Projects can't be placed in the CIP unless there is a sure revenue source to pay for them.**
- Projects in the CIP must be prioritized as outlined in the Plan. First fix the backlog and make sure facilities are adequately maintained. Next build what you need to meet the needs of growth. "Things that it would be nice to have" are not a priority.**
- Development approvals must be consistent with a feasible fiscal strategy.**

As lesson #1 about why we need a Comprehensive Plan, I would suggest that you look to your pocketbook.

Fiscal sanity is the key to growth management.

Your quality of life will suffer if taxes go sky high or facilities fall apart and become overcrowded.

NOT protecting our natural resources will cost us millions in both quality of life and tax dollars.

A strong economy can't be built on dirty rivers, overcrowded schools, and inadequate government services.

I would invite all of you to familiarize yourself with the policies in Chapter Two Goal 2.4. Talk to your commissioners about enforcing them.

If we don't get a handle on the fiscal impacts of growth, we will fail at being the Martin County you came here for and the Martin County we want to be.

volunteer non-profit working since 1964 to educate residents and to protect the Comp Plan, the environment, the quality of life.

www.savemartincounty.org

To be removed from this email list, please advise.

From: Maggy Hurchalla
To: [Harold Jenkins](#)
Subject: CPA 17-10
Date: Wednesday, August 9, 2017 6:58:01 PM

Harold,

I don't think it was intended but there is wording change in the draft of CPA 17-10 that appears to be inconsistent with the urban service district concept

*Objective 4.12D. To continue to preserve agricultural lands by restricting expansion of urban services to areas adjacent to urban cores, **unless approved on a case by case basis as part of an amendment to the CGMP.** In addition to its economic and fiscal benefits, this objective will protect farmers from encroachment by urban uses. Also, congregate farm worker housing will aid flexibility in land management policies for owners of large farms. As additional issues unfold, the County shall continue to apply innovative concepts to reconcile preservation of agricultural land with protection of farmers' property rights.*

1. This paragraph is NOT just about water and sewer lines. It is about ALL urban services.
2. There are NO criteria for extending any and all urban services out beyond the Primary Urban Service District. Legal staff has explained to the Board that they cannot turn down requests on "judgement calls" or individual feelings". IF extension is ok as long as there is a plan amendment, then urban services CAN be provided outside the urban boundary.
3. As written "on a case by case basis" the Board could extend sewer and water services to Hobe Groves or to any development that ask for a land use change.

INSTEAD:

An exception can be made to extend sewer and water lines can outside the primary urban service district when the extension removes the potential use of package water and sewer plants in previously approved development. The development must be proceeding in accordance with its timetable of development and conditions of approval.

SIMILAR PROBLEM

This is an existing inconsistency but it needs to be corrected.

*Policy 4.7A.3. **Exceptions to location** in the Primary Urban Service District. **All future development** of a use or intensity **that requires public urban facilities**, including water and sewer, **will be permitted only in the Primary Urban Service District.** ~~except:~~ **The only exceptions are for the currently approved developments listed below:***

- (1) Jonathan Dickinson State Park, as contained in Policy 10.1A.7. and Policy 11.1C.10.;**
- (2) The Fort Dawson Parcel, as contained in Policy 10.1A.8. and Policy 11.1C.11.; and**
- (3) The Indiantown DRI as provided in Policy 4.1F.7.**
- (4) Lots 67, 68, 75, 89, 90, 119 through 122 and lots 191 through 220 of Canopy Creek PUD (f/k/a Tuscawilla PUD as recorded in Plat Book 16, Pages 039-001 to 039-036, Public Records of Martin County, Florida). (**
- 5) Bridgewater Preserve as recorded in Plat Book 16, Pages 033-001 to 033- 007, Public Records of Martin County, Florida.**
- (6) Seven J's Industrial Subdivision, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.**
- (7) The County landfill, parcel number 07-38-40-000-000-00020-7.**
- (8) Martingale Commons PUD f/k/a Palm City 95 PUD.**
- (9) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.**
- (10) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000- 000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way. Policy 4.7A.3.1. All future development of a use or intensity that**

Again:

1. This is NOT just about sewer and water.
2. This is NOT about line extensions or service extensions.
3. It is about intense land use
4. This is about requiring the that ALL **FUTURE** DEVELOPMENT that is so intense that it needs urban services MUST BE INSIDE THE PRIMARY URBAN SERVICE DISTRICT. This is about avoiding creating more situations like the commission is trying to cure.

Currently approved projects that are vested DO NOT NEED AN EXCEPTION. They are there. They have final site plan approval. They are vested. They are not "future development".

eg: Lots 67 thru 90 are NOT "**future development**" of a use or intensity **that requires public urban facilities**". They are five acre residential lot that happen to want to connect to adjacent sewer lines.

IF staff feels that vested projects might be denied if they are not listed her then the following language would be appropriate:

Martingale Commons and 7Js Industrial Park are recognized as vested developments with uses of urban intensity for so long as they are proceeding in accordance with its timetable of development and conditions of approval.

From: Marge Ketter
To: [Sarah Heard](#); [Ed Fielding](#)
Cc: [Harold Jenkins](#); [Edward Ciampi](#); [Doug Smith](#); [Taryn Kryzda](#)
Subject: Increased density Bridgewater
Date: Tuesday, July 25, 2017 4:11:21 PM

Dear Commissioners Heard and Fielding,

Thanks much for your efforts to deny increased density in the Bridgewater project in Sec 28, south Martin County. About the time Jack Palace applied for maximum density and after 10 years in court was denied by the FL Supreme Court, I remember the LPA chair saying this is a section that probably should not be developed. How right she was. Once it's gone it's gone.

I'm not surprised that Ciampi and Smith voted as usual to allow increased density in sensitive areas. They seem to be able to ignore various Martin County policies, codes, etc. when it suits their pleasures.

I am a little surprised that new Commissioner Jenkins didn't take this opportunity to protect property adjacent to Jonathan Dickinson State Park, in his district, from higher density than is necessary. I guess he will follow Ciampi and Smith down the questionable path of ignoring laws and policies that will change forever the nature of Martin County. I guess they also have to remember where their campaign contributions came from.

15-20 years ago, when I was much younger and much healthier, I spent countless late hours at Town of Jupiter Council meetings in support of lower density along those Park lands, for just those reasons that Commissioner Fielding cited today. In fact, the Town hired an environmental study to show the impact of residential next to Park lands, and that study must still be there. City dwellers moving into these areas see the beauty but do not appreciate the wild critters that slither thru their fences, or other wild critters just wandering what was once their home. Nor do they appreciate the smoke and ashes from necessary prescribed burns done regularly by Park Management. Along with that is the damage by domestic pets who are allowed to roam freely, invade the Park and kill off what is a good chase. Lights and activity by all of those people have a detrimental effect on wildlife activity in those adjoining lands, and they will never be the same. The Park isn't in a position to take what amounts to political stands in these issues and rely on the wisdom and care of governing members and the public for support, but the effects of residential next to their properties doesn't go unnoticed.

Fortunately, we had a caring and knowledgeable Town Council in Jupiter that ultimately reduced the maximum density. They cared about how their part of Palm Beach County would look, particularly being across from a County passive park and Jupiter recreational park. Too bad some of our Martin County Commissioners couldn't care more, but their righteous rhetoric doesn't fool anyone.

I live in a small community that was here long before JDSP acquired Trapper's site, and I know the problems caused next to nature preserves.

Unfortunately, I'm not 15-20 years younger, nor is my health such that I can rant and rave at the podium anymore, but like many others in this county I'm

disappointed that Martin County's good nature isn't of more concern to our County leaders.

Marge Ketter
S Martin County
Or what's left of it

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Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BCC Meeting Tuesday, February 26, 2019

Item/Issue: Item #19-0304 – PHQJ3 – Request for Abandonment of a 10 Foot Wide Utility Easement, Located on Lots 17 and 18, Lying within the Limits of Bay Shore Village

Name of person, group or entity with which communication took place:

None

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County taxpayers are being asked to pick up the tab for property renovations and extending water and sewer services to the new property, which is outside the Urban Services District. A comprehensive study of County properties last year came up with several suggestions for properties that could be used for an expanded Fairgrounds within the USD, but the property that is being proposed on Tuesday was not among the suggested parcels.

Before making any decisions increasing taxpayer costs related to the Fairgrounds, the County should insist on an audit of Fairground Association finances for the past few years.

In other matters on Tuesday's BCC agenda:

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As always, let commissioners know how you feel about these and other issues by attending the meeting at 9:00 a.m. Tuesday in Commission Chambers or by e-mailing commissioners at sheard@martin.fl.us, efieldin@martin.fl.us, hjenkins@martin.fl.us, eciampi@martin.fl.us, and dsmith@martin.fl.us, with copies to the County Administrator and the County Attorney at tkryzda@martin.fl.us and swoods@martin.fl.us.

Ginny Sherlock

LITTMAN, SHERLOCK & HEIMS, P.A.

P.O. Box 1197

Stuart, FL 34995

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(Note: Two parentheses added by Donna Melzer, sender of this email -- the parentheses based on yesterday's speakers and handouts.)

MAGGY'S SPEECH

Martin County Conservation Alliance Forum April 22, 2017 By: Maggy Hurchalla

WHY WE NEED A COMP PLAN

Martin County is notorious for being different.

We grow slower than the other counties on the SE coast of Florida.

In spite of that we have a better economy.

Because of that, we have a better quality of life.

We have much stricter local environmental protection policies. Our environment is not just about wild things. Those policies include you and your neighborhood as part of the environment we're trying to protect.

All this does not take away private property's value. It makes it more valuable.

Compare two pieces of rural land at the Martin County/ St. Lucie County line. Environmental protection and land use restrictions are much stiffer on the Martin County parcel, but the property appraisers say that the Martin County parcel's market value is twice as high as the adjacent property in St. Lucie County..

Some years back a state economic study compared the value of vacant beachfront land in the two counties. Martin County required buildings to be set back from the dune and limited height to four stories. St. Lucie County had no such restrictions. Martin

County parcels sold for more.

The biggest reason for all this is that we have an uppity citizenry. You are what makes the difference.

You just proved that in getting the Planning Agency to reject the comprehensive plan amendment that would have taken away protection for little wetlands. If you had not gotten yourself educated and come out to the LPA meeting and been brave enough to talk, I don't know what would have happened.

The amendment has now been withdrawn by the applicant and little wetlands are safe for another year.

That's the other reason we're different - our Martin County Comprehensive Plan - which has been in effect since 1982

If it had just been up to any three county commissioners to decide whether they liked little wetlands or not, you probably wouldn't even know about the issue.

Our comp plan doesn't let that happen. It is specific in its policies. It says little wetlands WILL BE protected. It says the rules can't be waived by the commission.

If they decide they don't like little wetlands, they have to amend the comp plan. That takes time and gives you a chance to be part of the process.

When the monster Hobe Groves city west of the Turnpike asked for approval in 2012, it wasn't just a question of whether three commissioners liked the project. In fact, three of them said they did like it. But the project was not consistent with our comprehensive plan in a whole lot of important ways.

That meant they had to go through the year long process of a comprehensive plan change.

That gave the uppity citizens of Hobe Sound and the rest of the county a chance to point out the environmental and economic and community consequences of changing the comp plan's plan policies for one big developer.

Hobe Groves said they withdrew because of "the political climate."

It was an election year. The consultant for the Little Wetlands Amendment said last week that he withdrew because of “politics.”

I call it democracy and the rule of law.

Growth management rules need to be clear and predictable and fairly applied.

That’s the only way you can legally defend them. When you make an exception for one, you are on the road to making an exception for all.

I don’t expect all of you to go out and read the Martin County Comprehensive Plan from cover to cover, but it’s good to know what your basic protections are.

I asked Donna to bring copies of Chapter Two of the comp plan for you to take home with you. While we don’t all need to know all the details of the Plan, we do need to know what planning and growth management are about.

Reading Chapter Two is a good way to learn.

Chapter Two of the Plan includes the our Overall Goals. It starts with a noble statement that our comp plan is designed to protect your homes and your quality of life and our natural resources and to enhance the economy and fiscal conservancy.

That’s all very nice, but those words won’t protect you. They are too general.

The rest of Chapter Two restates those four important goals along with enforceable policies. That’s something that makes the Martin County Comp Plan different and has made it work the way it is supposed to.

Lots of local plans are made up of what I call “meaningless marshmallows”. They sound nice. They aren’t clearly defined. You can interpret them any way you want.

When our Plan was drafted, we spelled things out in clear predictable detail. Developers said “You don’t want to etch things in stone.” and suggested meaningless marshmallows instead.

The answer is that our comp plan is not etched in stone. It

can be changed.

There is a process that has to be followed. There is a Citizen's Bill of Rights that ensures that you can be part of that process.

To understand why we would want to get involved in that process, we need to know why our Plan matters.

The first goal in Chapter Two is about protecting quality of life. It includes our four story height limit and our 15 unit per acre density cap and buffers for residential areas to protect them from more intense land use.

The second goal is about natural resources. It includes protecting wetlands and making sure that development approvals do not further degrade our estuary. Hobe Groves sued us over that policy. They claimed it was unreasonable to ask them not to further degrade the Wild and Scenic Loxahatchee River. The judge said we could keep that policy.

The third goal is about the economy and finding objective measures of success.

The fourth goal says that "Prudent fiscal management shall be a primary goal in all county actions and in all development approvals."

Since I'm a well-known wild-eyed environmentalist, it might surprise that I'm going to focus on this last goal.

We need to understand that the larger concept in growth management is about living within your budget. It's about analyzing consequences and long term impacts and making sure you want to live with them – financially and otherwise.

We have land use and zoning so someone doesn't come along and build an all night car wash next to your home. We have environmental policies to protect the waterways we love and make sure that in the future we will have clean affordable drinking water for everyone we invite to come here.

Bad decisions about the future cost money. The cost comes in budget deficits and in deficits in our quality of life. Are you willing to write a blank check?

Back in the early 70's, that's what Florida did. We declared growth was great and problems would solve themselves. We ended up with schools on double sessions, sewer plants dumping into the river, and urban traffic jams. The solution was always to declare an emergency and pass a bond issue or adopt a new tax to "catch up with the backlog."

No one ever caught up. No one even suggested it might be a good idea to stop acquiring backlogs and emergencies. They just kept doing it over and over again until the public got sick of it.

Florida's Planning Act, first adopted in 1975 and updated in 1985, set a national standard for forcing communities to look at consequences. What were the impacts of a development? What facilities did it need? How would it be paid for? How would it affect existing residents?

The idea wasn't to look at projects one at a time, but to adopt a set of policies that would make sure those questions were answered in a way that was fair to developers and left us with a community we wanted to live in.

In the last ten years the state legislature has abandoned the state's role in growth management.

Martin County has not abandoned its comp plan.

Among the policies in the section on fiscal conservancy:

- Growth will pay for itself. Current taxpayers will not pay for the facilities that are needed for a new development.**
- Impact fees will be fair and accurate and will not cost developers more than they owe. The County cannot waive impact fees. They can pay impact fees out of tax dollars, but they cannot waive them and pretend the impact isn't there.**
- Property that gets approval for urban development can't keep claiming an agricultural exemption. That's a tax dodge that is used all over this state that costs local businesses and home owners a whole pile of money. King Ranch sued us over that provision. The judge said**

we could keep this policy.

- The County will adopt objective measures of fiscal success and provide an annual report to make sure backlogs aren't created.**
- The Capital Improvement Plan must show all the facilities that will be needed in the next ten years based on land use and expected growth.**
- Projects can't be placed in the CIP unless there is a sure revenue source to pay for them.**
- Projects in the CIP must be prioritized as outlined in the Plan. First fix the backlog and make sure facilities are adequately maintained. Next build what you need to meet the needs of growth. "Things that it would be nice to have" are not a priority.**
- Development approvals must be consistent with a feasible fiscal strategy.**

As lesson #1 about why we need a Comprehensive Plan, I would suggest that you look to your pocketbook.

Fiscal sanity is the key to growth management.

Your quality of life will suffer if taxes go sky high or facilities fall apart and become overcrowded.

NOT protecting our natural resources will cost us millions in both quality of life and tax dollars.

A strong economy can't be built on dirty rivers, overcrowded schools, and inadequate government services.

I would invite all of you to familiarize yourself with the policies in Chapter Two Goal 2.4. Talk to your commissioners about enforcing them.

If we don't get a handle on the fiscal impacts of growth, we will fail at being the Martin County you came here for and the Martin County we want to be.

volunteer non-profit working since 1964 to educate residents and to protect the Comp Plan, the environment, the quality of life.

www.savemartincounty.org

To be removed from this email list, please advise.

From: Maggy Hurchalla
To: [Harold Jenkins](#)
Subject: CPA 17-10
Date: Wednesday, August 9, 2017 6:58:01 PM

Harold,

I don't think it was intended but there is wording change in the draft of CPA 17-10 that appears to be inconsistent with the urban service district concept

*Objective 4.12D. To continue to preserve agricultural lands by restricting expansion of urban services to areas adjacent to urban cores, **unless approved on a case by case basis as part of an amendment to the CGMP.** In addition to its economic and fiscal benefits, this objective will protect farmers from encroachment by urban uses. Also, congregate farm worker housing will aid flexibility in land management policies for owners of large farms. As additional issues unfold, the County shall continue to apply innovative concepts to reconcile preservation of agricultural land with protection of farmers' property rights.*

1. This paragraph is NOT just about water and sewer lines. It is about ALL urban services.
2. There are NO criteria for extending any and all urban services out beyond the Primary Urban Service District. Legal staff has explained to the Board that they cannot turn down requests on "judgement calls" or individual feelings". IF extension is ok as long as there is a plan amendment, then urban services CAN be provided outside the urban boundary.
3. As written "on a case by case basis" the Board could extend sewer and water services to Hobe Groves or to any development that ask for a land use change.

INSTEAD:

An exception can be made to extend sewer and water lines can outside the primary urban service district when the extension removes the potential use of package water and sewer plants in previously approved development. The development must be proceeding in accordance with its timetable of development and conditions of approval.

SIMILAR PROBLEM

This is an existing inconsistency but it needs to be corrected.

*Policy 4.7A.3. **Exceptions to location** in the Primary Urban Service District. **All future development** of a use or intensity **that requires public urban facilities**, including water and sewer, **will be permitted only in the Primary Urban Service District.** ~~except:~~ **The only exceptions are for the currently approved developments listed below:***

- (1) Jonathan Dickinson State Park, as contained in Policy 10.1A.7. and Policy 11.1C.10.;*
- (2) The Fort Dawson Parcel, as contained in Policy 10.1A.8. and Policy 11.1C.11.; and*
- (3) The Indiantown DRI as provided in Policy 4.1F.7.*
- (4) Lots 67, 68, 75, 89, 90, 119 through 122 and lots 191 through 220 of Canopy Creek PUD (f/k/a Tuscawilla PUD as recorded in Plat Book 16, Pages 039-001 to 039-036, Public Records of Martin County, Florida). (*
- 5) Bridgewater Preserve as recorded in Plat Book 16, Pages 033-001 to 033- 007, Public Records of Martin County, Florida.*
- (6) Seven J's Industrial Subdivision, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.*
- (7) The County landfill, parcel number 07-38-40-000-000-00020-7.*
- (8) Martingale Commons PUD f/k/a Palm City 95 PUD.*
- (9) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.*
- (10) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000- 000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way. Policy 4.7A.3.1. All future development of a use or intensity that*

Again:

1. This is NOT just about sewer and water.
2. This is NOT about line extensions or service extensions.
3. It is about intense land use
4. This is about requiring the that ALL **FUTURE** DEVELOPMENT that is so intense that it needs urban services MUST BE INSIDE THE PRIMARY URBAN SERVICE DISTRICT. This is about avoiding creating more situations like the commission is trying to cure.

Currently approved projects that are vested DO NOT NEED AN EXCEPTION. They are there. They have final site plan approval. They are vested. They are not "future development".

eg: Lots 67 thru 90 are NOT "**future development** of a use or intensity **that requires public urban facilities**". They are five acre residential lot that happen to want to connect to adjacent sewer lines.

IF staff feels that vested projects might be denied if they are not listed her then the following language would be appropriate:

Martingale Commons and 7Js Industrial Park are recognized as vested developments with uses of urban intensity for so long as they are proceeding in accordance with its timetable of development and conditions of approval.

From: Marge Ketter
To: [Sarah Heard](#); [Ed Fielding](#)
Cc: [Harold Jenkins](#); [Edward Ciampi](#); [Doug Smith](#); [Taryn Kryzda](#)
Subject: Increased density Bridgewater
Date: Tuesday, July 25, 2017 4:11:21 PM

Dear Commissioners Heard and Fielding,

Thanks much for your efforts to deny increased density in the Bridgewater project in Sec 28, south Martin County. About the time Jack Palace applied for maximum density and after 10 years in court was denied by the FL Supreme Court, I remember the LPA chair saying this is a section that probably should not be developed. How right she was. Once it's gone it's gone.

I'm not surprised that Ciampi and Smith voted as usual to allow increased density in sensitive areas. They seem to be able to ignore various Martin County policies, codes, etc. when it suits their pleasures.

I am a little surprised that new Commissioner Jenkins didn't take this opportunity to protect property adjacent to Jonathan Dickinson State Park, in his district, from higher density than is necessary. I guess he will follow Ciampi and Smith down the questionable path of ignoring laws and policies that will change forever the nature of Martin County. I guess they also have to remember where their campaign contributions came from.

15-20 years ago, when I was much younger and much healthier, I spent countless late hours at Town of Jupiter Council meetings in support of lower density along those Park lands, for just those reasons that Commissioner Fielding cited today. In fact, the Town hired an environmental study to show the impact of residential next to Park lands, and that study must still be there. City dwellers moving into these areas see the beauty but do not appreciate the wild critters that slither thru their fences, or other wild critters just wandering what was once their home. Nor do they appreciate the smoke and ashes from necessary prescribed burns done regularly by Park Management. Along with that is the damage by domestic pets who are allowed to roam freely, invade the Park and kill off what is a good chase. Lights and activity by all of those people have a detrimental effect on wildlife activity in those adjoining lands, and they will never be the same. The Park isn't in a position to take what amounts to political stands in these issues and rely on the wisdom and care of governing members and the public for support, but the effects of residential next to their properties doesn't go unnoticed.

Fortunately, we had a caring and knowledgeable Town Council in Jupiter that ultimately reduced the maximum density. They cared about how their part of Palm Beach County would look, particularly being across from a County passive park and Jupiter recreational park. Too bad some of our Martin County Commissioners couldn't care more, but their righteous rhetoric doesn't fool anyone.

I live in a small community that was here long before JDSP acquired Trapper's site, and I know the problems caused next to nature preserves.

Unfortunately, I'm not 15-20 years younger, nor is my health such that I can rant and rave at the podium anymore, but like many others in this county I'm

disappointed that Martin County's good nature isn't of more concern to our County leaders.

Marge Ketter
S Martin County
Or what's left of it

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BCC Meeting Tuesday, February 26, 2019

Item/Issue: Item #19-0220 – PHQJ1 – North River Shores Tennis Club Inc. Request Amendment to Special Exception

Name of person, group or entity with which communication took place:

James (Mac) Stuckey of North River Shores Tennis Club

Subject matter of communication:

North River Shores Tennis Club Request Amendment to Special Exception

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

None

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Colleen Pachowicz

Subject: Mac (James) Stuckey - Atty re: North River Shores Tennis Club Amendment for Site Plan
Agenda Item going to BCC on Feb. 26

Location: Commissioner Jenkins' Office

Start: Thu 2/21/2019 11:00 AM

End: Thu 2/21/2019 11:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Harold Jenkins

Required Attendees: Colleen Pachowicz

PH: (772) 370-4796

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Board / Agency Member name:

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Name of Board/Agency:

BCC Meeting Tuesday, February 26, 2019

Item/Issue: Item #19-0293 – PHQJ2 – Request for Approval of a PUD Zoning Agreement and Master Site Plan for Bridgewater Preserve (P15-006)

Name of person, group or entity with which communication took place:

Bob Raynes (Gunster) and Morris Crady (Lucido and Associates)

Subject matter of communication:

Bridgewater PUD and Lianne Maxson – Dune Preservation Zone Modification

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

Please see emails attached

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Please see emails attached

Colleen Pachowicz

Subject: Meet w/ Bob Raynes & Morris Crady re: Bridgewater PUD and Lianne Maxson - Dune Preservation Zone Modification

Start: Mon 5/21/2018 10:30 AM
End: Mon 5/21/2018 11:00 AM

Recurrence: (none)

Organizer: Harold Jenkins

From: Marie M. Freitag
To: [DONNA S. MELZER](#)
Subject: Re: Forum Highlights/ALERTS -- At Bottom Maggy's Speech on Comp Plan Fiscal Requirements
Date: Monday, April 24, 2017 3:27:59 PM

Once again thank you, Donna, for the wonderful letters from Attorney, Ginny Sherlock of Stuart and our Comp Plan Author of "CONTROLLED GROWTH", Maggy Hurchalla to protect our unique life style here in Martin County. I would like to see ALL 3 of you sitting on the Board of County Commissioners, along with Com. Sarah Heard & Com. Ed Fielding. What a "UNIFIED" team that would make with ALL tax paying residents being the beneficiaries of the decisions made!

After reading every word of your message, I sometimes wonder exactly who the "HIGHLY PAID STAFF" members are working for! I do not AGREE with many of their requests for Commissioner's approval. Time will tell exactly who is controlling the purse strings!

Tomorrows BOCC meeting should be very interesting. Peace, GOOD HEALTH and blessings to all, Marie
"- MAKE IT A GREAT DAY"-

On Mon, Apr 24, 2017 at 8:09 AM, <elzer@gate.net> wrote:

Citizen's Forum "Speaking Up For Your Martin County" raised the awareness and energy of the residents.

Highlights/ALARMS - The new Commission Majority has been said to be "spending like Drunken Sailors." The Comp Plan requires "needs" be met before the Commission should be approving "wants" - read Maggy's speech below. Consider the tax referendum proposal, the budget, the Incorporation approvals [Is this Commission Majority really pushing for another layer of government that divides our county and avoids our Comp Plan Protections? Are they really claiming it will not costs taxpayers COUNTYWIDE?]

Ginny Sherlock Reports on Tomorrow's County Commission Meeting which is rife with high-price, high-density, neighborhood-impact proposals:

On Tuesday, the Board of County Commissioners will **consider seven other proposed Comp Plan amendments which would, in the aggregate, increase the number of homes that can be built on the affected parcels from about 200 units to more than 800 units.** The increase does not reflect a shortage of housing in Martin County. In fact, just this week we

learned that the long-dormant Banyan Bay project may be revived after more than a dozen years of inactivity, with yet another timetable extension delaying completion of the eyesore on South Kanner Highway until at least 2024.

Other unbuilt or unfinished developments can be found throughout the County. Nonetheless, Commissioners will be asked on Tuesday to authorize still more projects by changing our Comprehensive Plan to accommodate four times as many units as the Plan now allows.

The Visiting Nurse Association, Cove/Salerno Partners, Bridgewater Preserve, Cove Royal and Fernlea amendments (Agenda Items 6E-K) received mixed reviews from the Local Planning Agency. Staff has recommended approval of all but one of the amendments to allow higher density.

Curiously, staff recommends denial of another amendment that seems the most reasonable, the Circle K proposal to change the land use from Commercial Limited to Commercial General on a small parcel at the intersection of Cove Road and US #1.

Despite increasing traffic congestion and lack of funding for repair or replacement of failing infrastructure throughout the County, the Engineering Department has developed a formula for approving new projects that will “negatively impact the level of service” on existing inadequate roads. Engineering staff “can provide a ‘positive evaluation’” of virtually every proposed project because long-term transportation plans provide for eventual roadway improvements.

In other words, although a project will likely cause serious traffic congestion and burden existing roads that are already operating at capacity, staff recommends approval of new projects that will increase traffic because roadway improvements are planned during the next 10 or 25 years. The staff approval contains a caveat advising the applicant that the County is not legally required to approve development orders without a determination of adequate roadway capacity at the time of approval.

Wink. Wink.

Staff cites a Comp Plan policy which contains the caveat as justification for recommending approval of land use changes that negatively impact existing roadways but fails to cite Comp Plan policies and objectives that require the County to “ensure roadway capacity is available to accommodate the impacts of new development” (Policy 5.2A.2.) and to “ensure that no roadways in Martin County operate at a level of service lower” than the established standard (Objective 5.2A.)

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- The Consent Agenda contains the usual barrage of **open-ended contracts giving departments authority to spend \$4 million as they choose** and two low-bid contracts for improvements to SW Farm Road [A handout of yesterday suggests this within the area to be incorporated -- to be paid from countywide funds?] and Seabranh Boulevard for about \$2.5 million and \$875,000, respectively.
- Agenda Item 8B1 requests approval of an agreement for the **County to co-lease submerged lands with a private property owner in Port Salerno.** The agreement makes sense, but only if the private owners do not block off the public boardwalk constructed on the submerged lands that are adjacent to the private properties. The public has in the past been prevented from using the boardwalk by private business owners who blocked the boardwalk with outdoor seating or posted signs suggesting that only patrons who pay an entry charge have access to the public boardwalk.

As always, let commissioners know how you feel about these and other issues by attending the meeting at 9:00 a.m. Tuesday in Commission Chambers or by e-mailing commissioners at sheard@martin.fl.us, efieldin@martin.fl.us, hjenkins@martin.fl.us, eciampi@martin.fl.us, and dsmith@martin.fl.us, with copies to the County Administrator and the County Attorney at tkryzda@martin.fl.us and swoods@martin.fl.us.

Ginny Sherlock

LITTMAN, SHERLOCK & HEIMS, P.A.

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(Note: Two parentheses added by Donna Melzer, sender of this email -- the parentheses based on yesterday's speakers and handouts.)

MAGGY'S SPEECH

Martin County Conservation Alliance Forum April 22, 2017 By: Maggy Hurchalla

WHY WE NEED A COMP PLAN

Martin County is notorious for being different.

We grow slower than the other counties on the SE coast of Florida.

In spite of that we have a better economy.

Because of that, we have a better quality of life.

We have much stricter local environmental protection policies. Our environment is not just about wild things. Those policies include you and your neighborhood as part of the environment we're trying to protect.

All this does not take away private property's value. It makes it more valuable.

Compare two pieces of rural land at the Martin County/ St. Lucie County line. Environmental protection and land use restrictions are much stiffer on the Martin County parcel, but the property appraisers say that the Martin County parcel's market value is twice as high as the adjacent property in St. Lucie County..

Some years back a state economic study compared the value of vacant beachfront land in the two counties. Martin County required buildings to be set back from the dune and limited height to four stories. St. Lucie County had no such restrictions. Martin

County parcels sold for more.

The biggest reason for all this is that we have an uppity citizenry. You are what makes the difference.

You just proved that in getting the Planning Agency to reject the comprehensive plan amendment that would have taken away protection for little wetlands. If you had not gotten yourself educated and come out to the LPA meeting and been brave enough to talk, I don't know what would have happened.

The amendment has now been withdrawn by the applicant and little wetlands are safe for another year.

That's the other reason we're different - our Martin County Comprehensive Plan - which has been in effect since 1982

If it had just been up to any three county commissioners to decide whether they liked little wetlands or not, you probably wouldn't even know about the issue.

Our comp plan doesn't let that happen. It is specific in its policies. It says little wetlands WILL BE protected. It says the rules can't be waived by the commission.

If they decide they don't like little wetlands, they have to amend the comp plan. That takes time and gives you a chance to be part of the process.

When the monster Hobe Groves city west of the Turnpike asked for approval in 2012, it wasn't just a question of whether three commissioners liked the project. In fact, three of them said they did like it. But the project was not consistent with our comprehensive plan in a whole lot of important ways.

That meant they had to go through the year long process of a comprehensive plan change.

That gave the uppity citizens of Hobe Sound and the rest of the county a chance to point out the environmental and economic and community consequences of changing the comp plan's plan policies for one big developer.

Hobe Groves said they withdrew because of "the political climate."

It was an election year. The consultant for the Little Wetlands Amendment said last week that he withdrew because of “politics.”

I call it democracy and the rule of law.

Growth management rules need to be clear and predictable and fairly applied.

That’s the only way you can legally defend them. When you make an exception for one, you are on the road to making an exception for all.

I don’t expect all of you to go out and read the Martin County Comprehensive Plan from cover to cover, but it’s good to know what your basic protections are.

I asked Donna to bring copies of Chapter Two of the comp plan for you to take home with you. While we don’t all need to know all the details of the Plan, we do need to know what planning and growth management are about.

Reading Chapter Two is a good way to learn.

Chapter Two of the Plan includes the our Overall Goals. It starts with a noble statement that our comp plan is designed to protect your homes and your quality of life and our natural resources and to enhance the economy and fiscal conservancy.

That’s all very nice, but those words won’t protect you. They are too general.

The rest of Chapter Two restates those four important goals along with enforceable policies. That’s something that makes the Martin County Comp Plan different and has made it work the way it is supposed to.

Lots of local plans are made up of what I call “meaningless marshmallows”. They sound nice. They aren’t clearly defined. You can interpret them any way you want.

When our Plan was drafted, we spelled things out in clear predictable detail. Developers said “You don’t want to etch things in stone.” and suggested meaningless marshmallows instead.

The answer is that our comp plan is not etched in stone. It

can be changed.

There is a process that has to be followed. There is a Citizen's Bill of Rights that ensures that you can be part of that process.

To understand why we would want to get involved in that process, we need to know why our Plan matters.

The first goal in Chapter Two is about protecting quality of life. It includes our four story height limit and our 15 unit per acre density cap and buffers for residential areas to protect them from more intense land use.

The second goal is about natural resources. It includes protecting wetlands and making sure that development approvals do not further degrade our estuary. Hobe Groves sued us over that policy. They claimed it was unreasonable to ask them not to further degrade the Wild and Scenic Loxahatchee River. The judge said we could keep that policy.

The third goal is about the economy and finding objective measures of success.

The fourth goal says that "Prudent fiscal management shall be a primary goal in all county actions and in all development approvals."

Since I'm a well-known wild-eyed environmentalist, it might surprise that I'm going to focus on this last goal.

We need to understand that the larger concept in growth management is about living within your budget. It's about analyzing consequences and long term impacts and making sure you want to live with them – financially and otherwise.

We have land use and zoning so someone doesn't come along and build an all night car wash next to your home. We have environmental policies to protect the waterways we love and make sure that in the future we will have clean affordable drinking water for everyone we invite to come here.

Bad decisions about the future cost money. The cost comes in budget deficits and in deficits in our quality of life. Are you willing to write a blank check?

Back in the early 70's, that's what Florida did. We declared growth was great and problems would solve themselves. We ended up with schools on double sessions, sewer plants dumping into the river, and urban traffic jams. The solution was always to declare an emergency and pass a bond issue or adopt a new tax to "catch up with the backlog."

No one ever caught up. No one even suggested it might be a good idea to stop acquiring backlogs and emergencies. They just kept doing it over and over again until the public got sick of it.

Florida's Planning Act, first adopted in 1975 and updated in 1985, set a national standard for forcing communities to look at consequences. What were the impacts of a development? What facilities did it need? How would it be paid for? How would it affect existing residents?

The idea wasn't to look at projects one at a time, but to adopt a set of policies that would make sure those questions were answered in a way that was fair to developers and left us with a community we wanted to live in.

In the last ten years the state legislature has abandoned the state's role in growth management.

Martin County has not abandoned its comp plan.

Among the policies in the section on fiscal conservancy:

- Growth will pay for itself. Current taxpayers will not pay for the facilities that are needed for a new development.**
- Impact fees will be fair and accurate and will not cost developers more than they owe. The County cannot waive impact fees. They can pay impact fees out of tax dollars, but they cannot waive them and pretend the impact isn't there.**
- Property that gets approval for urban development can't keep claiming an agricultural exemption. That's a tax dodge that is used all over this state that costs local businesses and home owners a whole pile of money. King Ranch sued us over that provision. The judge said**

we could keep this policy.

- The County will adopt objective measures of fiscal success and provide an annual report to make sure backlogs aren't created.**
- The Capital Improvement Plan must show all the facilities that will be needed in the next ten years based on land use and expected growth.**
- Projects can't be placed in the CIP unless there is a sure revenue source to pay for them.**
- Projects in the CIP must be prioritized as outlined in the Plan. First fix the backlog and make sure facilities are adequately maintained. Next build what you need to meet the needs of growth. "Things that it would be nice to have" are not a priority.**
- Development approvals must be consistent with a feasible fiscal strategy.**

As lesson #1 about why we need a Comprehensive Plan, I would suggest that you look to your pocketbook.

Fiscal sanity is the key to growth management.

Your quality of life will suffer if taxes go sky high or facilities fall apart and become overcrowded.

NOT protecting our natural resources will cost us millions in both quality of life and tax dollars.

A strong economy can't be built on dirty rivers, overcrowded schools, and inadequate government services.

I would invite all of you to familiarize yourself with the policies in Chapter Two Goal 2.4. Talk to your commissioners about enforcing them.

If we don't get a handle on the fiscal impacts of growth, we will fail at being the Martin County you came here for and the Martin County we want to be.

volunteer non-profit working since 1964 to educate residents and to protect the Comp Plan, the environment, the quality of life.

www.savemartincounty.org

To be removed from this email list, please advise.

From: Maggy Hurchalla
To: [Harold Jenkins](#)
Subject: CPA 17-10
Date: Wednesday, August 9, 2017 6:58:01 PM

Harold,

I don't think it was intended but there is wording change in the draft of CPA 17-10 that appears to be inconsistent with the urban service district concept

*Objective 4.12D. To continue to preserve agricultural lands by restricting expansion of urban services to areas adjacent to urban cores, **unless approved on a case by case basis as part of an amendment to the CGMP.** In addition to its economic and fiscal benefits, this objective will protect farmers from encroachment by urban uses. Also, congregate farm worker housing will aid flexibility in land management policies for owners of large farms. As additional issues unfold, the County shall continue to apply innovative concepts to reconcile preservation of agricultural land with protection of farmers' property rights.*

1. This paragraph is NOT just about water and sewer lines. It is about ALL urban services.
2. There are NO criteria for extending any and all urban services out beyond the Primary Urban Service District. Legal staff has explained to the Board that they cannot turn down requests on "judgement calls" or individual feelings". IF extension is ok as long as there is a plan amendment, then urban services CAN be provided outside the urban boundary.
3. As written "on a case by case basis" the Board could extend sewer and water services to Hobe Groves or to any development that ask for a land use change.

INSTEAD:

An exception can be made to extend sewer and water lines can outside the primary urban service district when the extension removes the potential use of package water and sewer plants in previously approved development. The development must be proceeding in accordance with its timetable of development and conditions of approval.

SIMILAR PROBLEM

This is an existing inconsistency but it needs to be corrected.

*Policy 4.7A.3. **Exceptions to location** in the Primary Urban Service District. **All future development** of a use or intensity **that requires public urban facilities**, including water and sewer, **will be permitted only in the Primary Urban Service District.** ~~except:~~ **The only exceptions are for the currently approved developments listed below:***

- (1) Jonathan Dickinson State Park, as contained in Policy 10.1A.7. and Policy 11.1C.10.;***
- (2) The Fort Dawson Parcel, as contained in Policy 10.1A.8. and Policy 11.1C.11.; and***
- (3) The Indiantown DRI as provided in Policy 4.1F.7.***
- (4) Lots 67, 68, 75, 89, 90, 119 through 122 and lots 191 through 220 of Canopy Creek PUD (f/k/a Tuscawilla PUD as recorded in Plat Book 16, Pages 039-001 to 039-036, Public Records of Martin County, Florida).*** (
- 5) Bridgewater Preserve as recorded in Plat Book 16, Pages 033-001 to 033- 007, Public Records of Martin County, Florida.***
- (6) Seven J's Industrial Subdivision, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.***
- (7) The County landfill, parcel number 07-38-40-000-000-00020-7.***
- (8) Martingale Commons PUD f/k/a Palm City 95 PUD.***
- (9) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.***
- (10) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000- 000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way. Policy 4.7A.3.1. All future development of a use or intensity that***

Again:

- 1. This is NOT just about sewer and water.
- 2. This is NOT about line extensions or service extensions.
- 3. It is about intense land use
- 4. This is about requiring the that ALL **FUTURE** DEVELOPMENT that is so intense that it needs urban services MUST BE INSIDE THE PRIMARY URBAN SERVICE DISTRICT. This is about avoiding creating more situations like the commission is trying to cure.

Currently approved projects that are vested DO NOT NEED AN EXCEPTION. They are there. They have final site plan approval. They are vested. They are not "future development".

eg: Lots 67 thru 90 are NOT "**future development** of a use or intensity **that requires public urban facilities**". They are five acre residential lot that happen to want to connect to adjacent sewer lines.

IF staff feels that vested projects might be denied if they are not listed her then the following language would be appropriate:

Martingale Commons and 7Js Industrial Park are recognized as vested developments with uses of urban intensity for so long as they are proceeding in accordance with its timetable of development and conditions of approval.

From: Marge Ketter
To: [Sarah Heard](#); [Ed Fielding](#)
Cc: [Harold Jenkins](#); [Edward Ciampi](#); [Doug Smith](#); [Taryn Kryzda](#)
Subject: Increased density Bridgewater
Date: Tuesday, July 25, 2017 4:11:21 PM

Dear Commissioners Heard and Fielding,

Thanks much for your efforts to deny increased density in the Bridgewater project in Sec 28, south Martin County. About the time Jack Palace applied for maximum density and after 10 years in court was denied by the FL Supreme Court, I remember the LPA chair saying this is a section that probably should not be developed. How right she was. Once it's gone it's gone.

I'm not surprised that Ciampi and Smith voted as usual to allow increased density in sensitive areas. They seem to be able to ignore various Martin County policies, codes, etc. when it suits their pleasures.

I am a little surprised that new Commissioner Jenkins didn't take this opportunity to protect property adjacent to Jonathan Dickinson State Park, in his district, from higher density than is necessary. I guess he will follow Ciampi and Smith down the questionable path of ignoring laws and policies that will change forever the nature of Martin County. I guess they also have to remember where their campaign contributions came from.

15-20 years ago, when I was much younger and much healthier, I spent countless late hours at Town of Jupiter Council meetings in support of lower density along those Park lands, for just those reasons that Commissioner Fielding cited today. In fact, the Town hired an environmental study to show the impact of residential next to Park lands, and that study must still be there. City dwellers moving into these areas see the beauty but do not appreciate the wild critters that slither thru their fences, or other wild critters just wandering what was once their home. Nor do they appreciate the smoke and ashes from necessary prescribed burns done regularly by Park Management. Along with that is the damage by domestic pets who are allowed to roam freely, invade the Park and kill off what is a good chase. Lights and activity by all of those people have a detrimental effect on wildlife activity in those adjoining lands, and they will never be the same. The Park isn't in a position to take what amounts to political stands in these issues and rely on the wisdom and care of governing members and the public for support, but the effects of residential next to their properties doesn't go unnoticed.

Fortunately, we had a caring and knowledgeable Town Council in Jupiter that ultimately reduced the maximum density. They cared about how their part of Palm Beach County would look, particularly being across from a County passive park and Jupiter recreational park. Too bad some of our Martin County Commissioners couldn't care more, but their righteous rhetoric doesn't fool anyone.

I live in a small community that was here long before JDSP acquired Trapper's site, and I know the problems caused next to nature preserves.

Unfortunately, I'm not 15-20 years younger, nor is my health such that I can rant and rave at the podium anymore, but like many others in this county I'm

disappointed that Martin County's good nature isn't of more concern to our County leaders.

Marge Ketter
S Martin County
Or what's left of it

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BCC Meeting Tuesday, February 26, 2019

Item/Issue: Item #19-0304 – PHQJ3 – Request for Abandonment of a 10 Foot Wide Utility Easement, Located on Lots 17 and 18, Lying within the Limits of Bay Shore Village

Name of person, group or entity with which communication took place:

None

Subject matter of communication:

None

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

None

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

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EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: February 26, 2019

REQUEST FOR ABANDONMENT OF A 10-FOOT WIDE UTILITY EASEMENT, LOCATED ON LOTS 17 AND 18,
LYING WITHIN THE LIMITES OF BAY SHORE VILLAGE

Name of person, group or entity with which communication took place:

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Subject matter of communication:

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List and attach any written communication received:

N/A

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: February 26, 2019

NORTH RIVER SHORES TENNIS CLUB, INC. REQUEST AMENDMENT TO SPECIAL EXCEPTION (N046-002)

Name of person, group or entity with which communication took place:

Mr. Mac Stuckey

Subject matter of communication:

Meeting

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

Teresa Wortman

Subject: Mac Stuckey - 11:45 RE North River Shores Tennis Club

Location: Comm Heard Office

Start: Tue 2/19/2019 11:00 AM

End: Tue 2/19/2019 11:30 AM

Recurrence: (none)

Organizer: Sarah Heard

772-370 4796

North River Shores Tennis Club

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: February 26, 2019

REQUEST FOR APPROVAL OF A PUD ZONING AGREEMENT AND MASTER SITE PLAN FOR BRIDGEWATER PRESERVE (P115-006)

Name of person, group or entity with which communication took place:

NONE

Subject matter of communication:

NONE

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

From: Marge Ketter
To: [Sarah Heard](#); [Ed Fielding](#)
Cc: [Harold Jenkins](#); [Edward Ciampi](#); [Doug Smith](#); [Taryn Kryzda](#)
Subject: Increased density Bridgewater
Date: Tuesday, July 25, 2017 4:11:20 PM

Dear Commissioners Heard and Fielding,

Thanks much for your efforts to deny increased density in the Bridgewater project in Sec 28, south Martin County. About the time Jack Palace applied for maximum density and after 10 years in court was denied by the FL Supreme Court, I remember the LPA chair saying this is a section that probably should not be developed. How right she was. Once it's gone it's gone.

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disappointed that Martin County's good nature isn't of more concern to our County leaders.

Marge Ketter
S Martin County
Or what's left of it

From: [Clyde Dulin](#)
To: [Sarah Heard](#)
Cc: ["Marge Ketter"](#); [Nicki vanVonne](#)
Subject: RE: Bridgewater - Questions & Comments
Date: Thursday, April 27, 2017 12:18:48 PM

Commissioner Heard,

Please see my answers inserted between the questions below.

Clyde Dulin, AICP

Principal Planner

Growth Management Department

Martin County Board of County Commissioners

(772) 221-2327 (o)

-----Original Message-----

From: Sarah Heard
Sent: Wednesday, April 26, 2017 1:57 PM
To: 'Marge Ketter'
Cc: Clyde Dulin
Subject: RE: Bridgewater - Questions & Comments

As always, Marge, you bring history and wisdom in your observations. I certainly appreciate them. The BCC majority opinion/ decisions yesterday on Bridgewater (and others) were disturbing.

Since Clyde was the Bridgewater amendments' planner, I have copied him on your email so that he can give the correct answers to your questions to both of us.

Thanks, Clyde.

Sarah

-----Original Message-----

From: Marge Ketter [<mailto:margeketter@bellsouth.net>]

Sent: Tuesday, April 25, 2017 5:07 PM

To: Sarah Heard

Subject: Bridgewater - Questions & Comments

Commissioner Heard,

I've listened to about as much as I can stand of some of the Commissioners'

rhetoric and can see where it's headed. What I have to say would be ignored by the BCC, and I'm too old to fight anymore, but I do want to ask a couple questions and make comments. I just want to put them on record somewhere to someone who will take note.

When did the east half of Sec 28 become Secondary Urban Service District?

Answer: Most of the east half of Section 28 became Secondary Urban Service District in 1990 at the time the SUSD was created.

What protections are there for the wetlands in not only Bridgewater but area in general?

Answer: All of the wetlands are protected by the same requirements in the Comprehensive Growth Management Plan. The wetlands outside the Bridgewater Preserve (in the west half of Section 28) have additional protection under a conservation easement.

I believe it was Morris Crady who alluded to one of the wetlands being mitigated by WCI when it owned the property. The mitigation was for a WCI project in Palm Beach County or Jupiter, whichever it was at the time. I don't know where this may be recorded but I hope it doesn't get lost in the shuffle. JDSP staff may remember, or Karen Golonka, former Jupiter Mayor.

Answer: We have no information about a wetland being mitigated within Palm Beach County/Town of Jupiter. My understanding is that Mr. Crady was saying the wetlands outside the Bridgewater Preserve (in the west half of Section 28) were recreated to mitigate for a wetland impact in the Town of Jupiter. The Martin County Property Appraiser is taxing that area to the north and east of the Bridgewater property (in the west half of Section 28) as a conservation easement.

The impact on the environment of 3 times as many dwellings can be greater than modern septic tank installations, from those Commissioner Fielding mentioned, lights, human activity, pets wandering into Park areas, wildlife wandering into residential areas and being killed as nuisances, and human griping when prescribed burning is done periodically. Many people are convinced that only sewers protect the environment, but they don't take into consideration what the sewer companies do with the sludge, or the questionable safety of touted IQ (irrigation quality) water, or broken sewer lines.

As was said in the early 90s when Section 28 application was before the LPA, it is a section that should never be developed because of its environmental importance. It was approved for development by a Commission that wanted to reverse everything the previous Commission

had done, and we are now where we are. Everyone I know who comes down the SE Island Way cringes at the sight of the ground and vegetation being destroyed and big houses being built everywhere you look. But what is is and I can take other routes if I don't want to look at it. The wildlife gets killed or frightened away on the road where drivers always exceed the speed limit.

I don't think SE Island Way was completed in the late 90s, as was said, I believe it was in the early 2000s. It had to be completed, not only in Palm Beach County but thru Martin County, for the developer of the original Palm Beach County project that is now Rialto, to get permission from Jupiter to build the high density he coveted. There was a big fight between 4 municipalities about Martin County residents using Palm Beach County roads which was never resolved, but when the new Commission came in all of that changed and a deal was made that the developer pay for the Martin County portion. I don't know whether that was actually done because I believe Martin County Engineering handled the road project. Sometimes there's been little transparency.

There are no schools or libraries in this part of the County. There is an ongoing complaint from residents down here that they don't have the low cost access to Jupiter or Tequesta Libraries that they once had, and I understand Martin County staff was working on some kind of arrangements. Residents will send their kids to the schools that have the best ratings, and not all Palm Beach County schools will appeal to them, in my opinion. They will be bussed or have to be driven to Martin County schools and will agitate for schools and a library down here.

The area is a long haul from Sheriff's coverage and the more units the more problems. A complaint I hear around here is we seldom see a deputy in this area because there is little crime. That's not so, there is crime, it just doesn't get handled very quickly. Those residents who thought Island Way extension was going to be the answer to all their problems are now sorry it was allowed. It's brought more break ins to the area than ever before because there are easy ways to escape.

With development comes crime, unfortunately.

I know all of the above is whistling in the wind but had to say it.

Marge

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Edward V. Ciampi

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

PHQJ-1: NORTH RIVER SHORES TENNIS CLUB INC., REQUEST AMENDMENT TO SPECIAL EXCEPTION (N046-002) Request for approval of Amendment to Special Exception for the North River Shores Tennis Club. The 6.27 acre subject property is located on the north side of NW Britt Road approximately 200 feet east of NW Everglades Boulevard. (Agenda Item: 19-0200)

Name of person, group or entity with whom communication took place:

Mac Stuckey

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

Question and Answer

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

NONE

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Edward V. Ciampi

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

PHQJ-2: REQUEST FOR APPROVAL OF A PUD ZONING AGREEMENT AND MASTER SITE PLAM FOR BRIDGEWATER PRESERVE (P115-006) Request approval for a master site plan and Planned Unit Development (PUD) Zoning Agreement to increase the number of single family lots from 36 to 107 in the existing Bridgewater Preserve residential sibdivision. The approximate 215 acre parcel is located on the west side of SE Island Way adjacent to the Palm Beach County line in Southern Martin County. Included with this application is a Deferral of Public Facilities Reservation. (Agenda Item: 19-0293)

Name of person, group or entity with whom communication took place:

None

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

None

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

NONE

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Edward V. Ciampi

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

PHQJ-3: REQUEST FOR ABANDONMENT OF A 10 FOOT WIDE UTILITY EASEMENT, LOCATED ON LOTS 17 AND 18, LYING WITHIN THE LIMITS OF BAY SHORE VILLAGE: This is a request for the Board to consider a Petition to Abandon a 10 foot wide Utility Easement located in Bay Shore Village, Rocky Point, and further described in the attached petition for abandonment. No abandonment of right-of-way, or other fee ownership, is being requested under this Petition. (Agenda Item: 19-0304)

Name of person, group or entity with whom communication took place:

None

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

None

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

NONE

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Doug Smith

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

PHQJ-1: NORTH RIVER SHORES TENNIS CLUB INC., REQUEST AMENDMENT TO SPECIAL EXCEPTION (N046-002) Request for approval of Amendment to Special Exception for the North River Shores Tennis Club. The 6.27 acre subject property is located on the north side of NW Britt Road approximately 200 feet east of NW Everglades Boulevard. (Agenda Item: 19-0200)

Name of person, group or entity with whom communication took place:

Mac Stuckey

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

North River Shores Tennis Club

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

Attached

Kathleen Boden

Subject: Meeting with Mac Stuckey regarding the North River Shores Tennis Club
Location: Commissioner Smith's Office, 2401 SE Monterey Road, 4th Floor, Stuart

Start: Mon 2/25/2019 2:00 PM
End: Mon 2/25/2019 2:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Doug Smith
Required Attendees: Jmstuckey333@aol.com

Good afternoon Mr. Stuckey,

As per your request, I've scheduled a meeting with Commissioner Smith for Monday, February 25th at 2:00pm to discuss the North River Shores Tennis Club. If by chance your schedule should change, please don't hesitate to contact me and I will update the meeting date and time accordingly. Have a great day!

Best regards,

Kathy Boden

Executive Aide
Commissioner Doug Smith, District 1
Martin County Board of County Commissioners
2401 SE Monterey Road
Stuart, FL 34996
(o) 772-221-2359, (f) 772-288-5432

Please Note:

My new email address is: ComAide1@martin.fl.us Please make a note of it, Thank you!

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Doug Smith

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

PHQJ-2: REQUEST FOR APPROVAL OF A PUD ZONING AGREEMENT AND MASTER SITE PLAM FOR BRIDGEWATER PRESERVE (P115-006) Request approval for a master site plan and Planned Unit Development (PUD) Zoning Agreement to increase the number of single family lots from 36 to 107 in the existing Bridgewater Preserve residential sibdivision. The approximate 215 acre parcel is located on the west side of SE Island Way adjacent to the Palm Beach County line in Southern Martin County. Included with this application is a Deferral of Public Facilities Reservation. (Agenda Item: 19-0293)

Name of person, group or entity with whom communication took place:

None

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

None

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

None

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Doug Smith

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

PHQJ-3: REQUEST FOR ABANDONMENT OF A 10 FOOT WIDE UTILITY EASEMENT, LOCATED ON LOTS 17 AND 18, LYING WITHIN THE LIMITS OF BAY SHORE VILLAGE: This is a request for the Board to consider a Petition to Abandon a 10 foot wide Utility Easement located in Bay Shore Village, Rocky Point, and further described in the attached petition for abandonment. No abandonment of right-of-way, or other fee ownership, is being requested under this Petition. (Agenda Item: 19-0304)

Name of person, group or entity with whom communication took place:

None

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

None

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

NONE

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Stacey Hetherington

Name of Board/Agency:

Board of County Commissioners

Item/Issue: February 26, 2019, Agenda Item PHQJ-1 NORTH RIVER SHORES TENNIS CLUB INC. REQUEST AMENDMENT TO SPECIAL EXCEPTION (N046-002)

Name of person, group or entity with which communication took place: n/a

Subject matter of communication:

Describe investigations, site visits and provide any expert opinions received: n/a

List and attach any written communication received: attached email communication

From: Mac Stuckey
To: [Rosemarie Zummo](#)
Subject: NORTH RIVER SHORES TENNIS CLUB SPECIAL EXCEPTION AMENDED SITE PLAN
Date: Thursday, February 21, 2019 4:29:51 PM
Attachments: [NRST.FINALSITEPLAN.pdf](#)

Dear Commissioner Heatherington,

I am attaching the proposed final site plan for the North River Shores Tennis Club application to amend it's prior site plan which was approved in the 1970's before the Comprehensive Plan eliminated special exception zoning and the provisions for expanding them. The County recently enacted a new ordinance to allow this application and others like it, and I thank you for that. This is on the Agenda for next Tuesday's meeting.

The only immediate change from the original site plan is the addition of one pickle ball court in the Northwest corner. It was already built, but we need this amendment to get an after the fact building permit. The amended site plan brings in an additional parcel of land north of the original site plan, but the pickle ball court only uses the south 25 feet; all the rest of it is going to be preserved and all invasive vegetation removed in accordance with a new PAMP which the staff has created and approved.

The amended site plan also adds a possible new guard office at the entrance to the club, and it shows a possible remodeling of the clubhouse to extend out over the existing pool. These two amendments will allow the club to apply for a building permit if and when those improvements are made.

North River Shores Tennis club is a neighborhood club which raises tens of thousands of dollars at tournaments for local charities, and it has one of the best youth tennis instruction programs in the area. It's annual mixed doubles tournament is celebrating its 25th year and has raised over 500,000 for local charities such as Hibiscus House and Hospice. This amendment to their special exception site plan will allow a slight improvement of the amenities but should have no additional impact on the neighbors.

Please let me know if you have any questions or any impediments to a "yes" vote. Since this is for the good of the community as well as our membership, I am hoping for a unanimous approval. We do have staff approval, but I understand the Commission has the final word. I would be happy to come by Friday or Monday to go over the site plan in person if you need me to.

Thank you,

Mac Stuckey

James M. Stuckey
Attorney at Law

(772) 223-8100
Fax: (772) 223-1430
Cell: (772) 370-4796

Website: www.jmstuckey.com

Mailing Address:

PO Box 1800

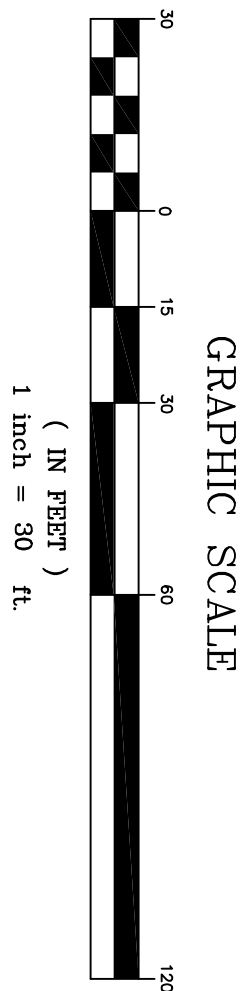
Stuart, Florida 34995-1800

Physical Address:

428 SW 7th Street

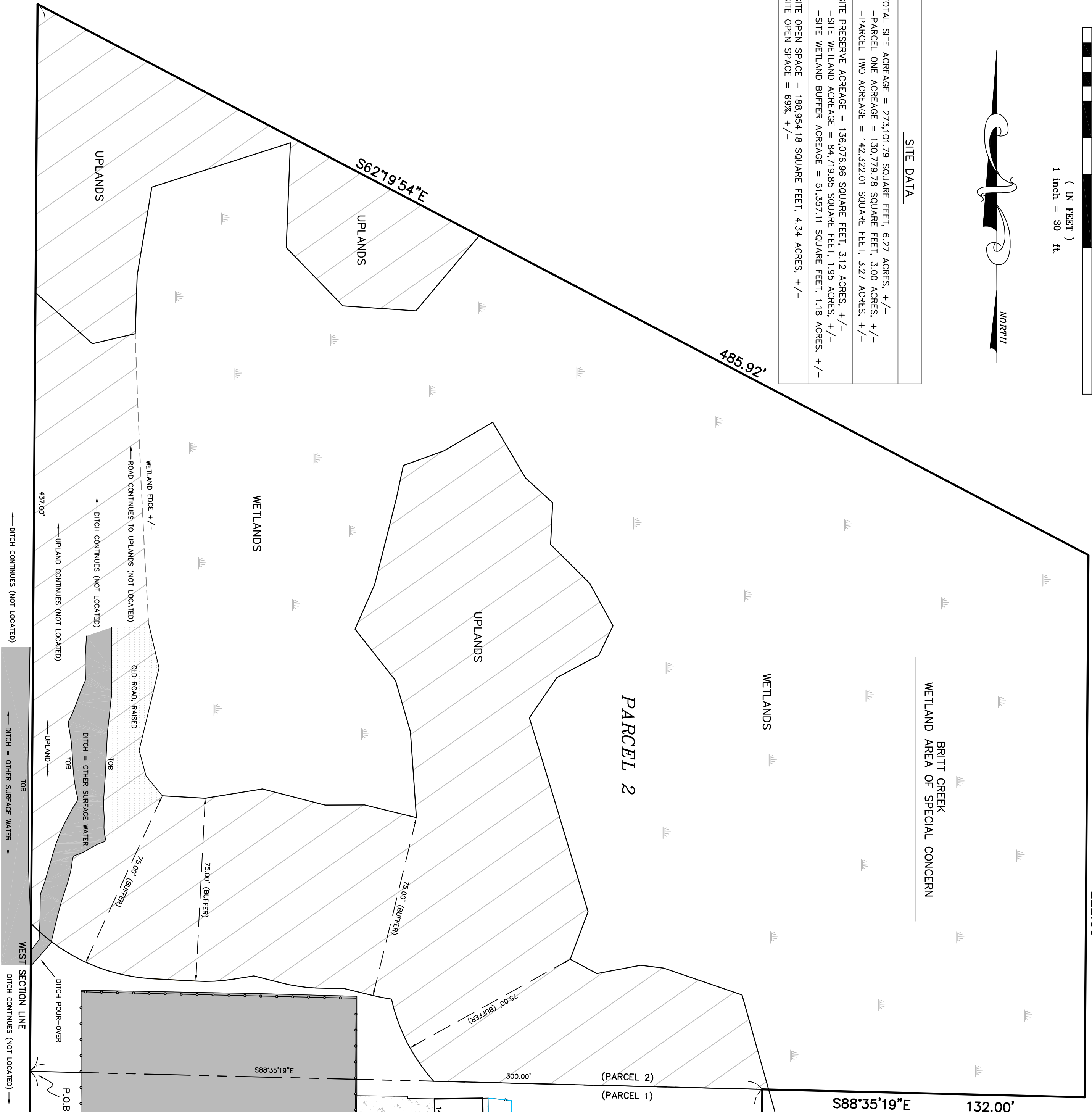
Stuart, Florida 34994

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SITE DATA

TOTAL SITE ACREAGE = 273,107.79 SQUARE FEET, 6.27 ACRES, +/-
-PARCEL ONE ACREAGE = 130,779.78 SQUARE FEET, 3.00 ACRES, +/-
-PARCEL TWO ACREAGE = 142,322.01 SQUARE FEET, 3.27 ACRES, +/-
-SITE PRESERVE ACREAGE = 136,076.96 SQUARE FEET, 3.12 ACRES, +/-
-SITE WETLAND ACREAGE = 84,719.85 SQUARE FEET, 1.95 ACRES, +/-
-SITE WETLAND BUFFER ACREAGE = 51,357.11 SQUARE FEET, 1.18 ACRES, +/-
SITE OPEN SPACE = 189,954.19 SQUARE FEET, 4.34 ACRES, +/-
SITE OPEN SPACE = 69% +/-



LEGAL DESCRIPTION

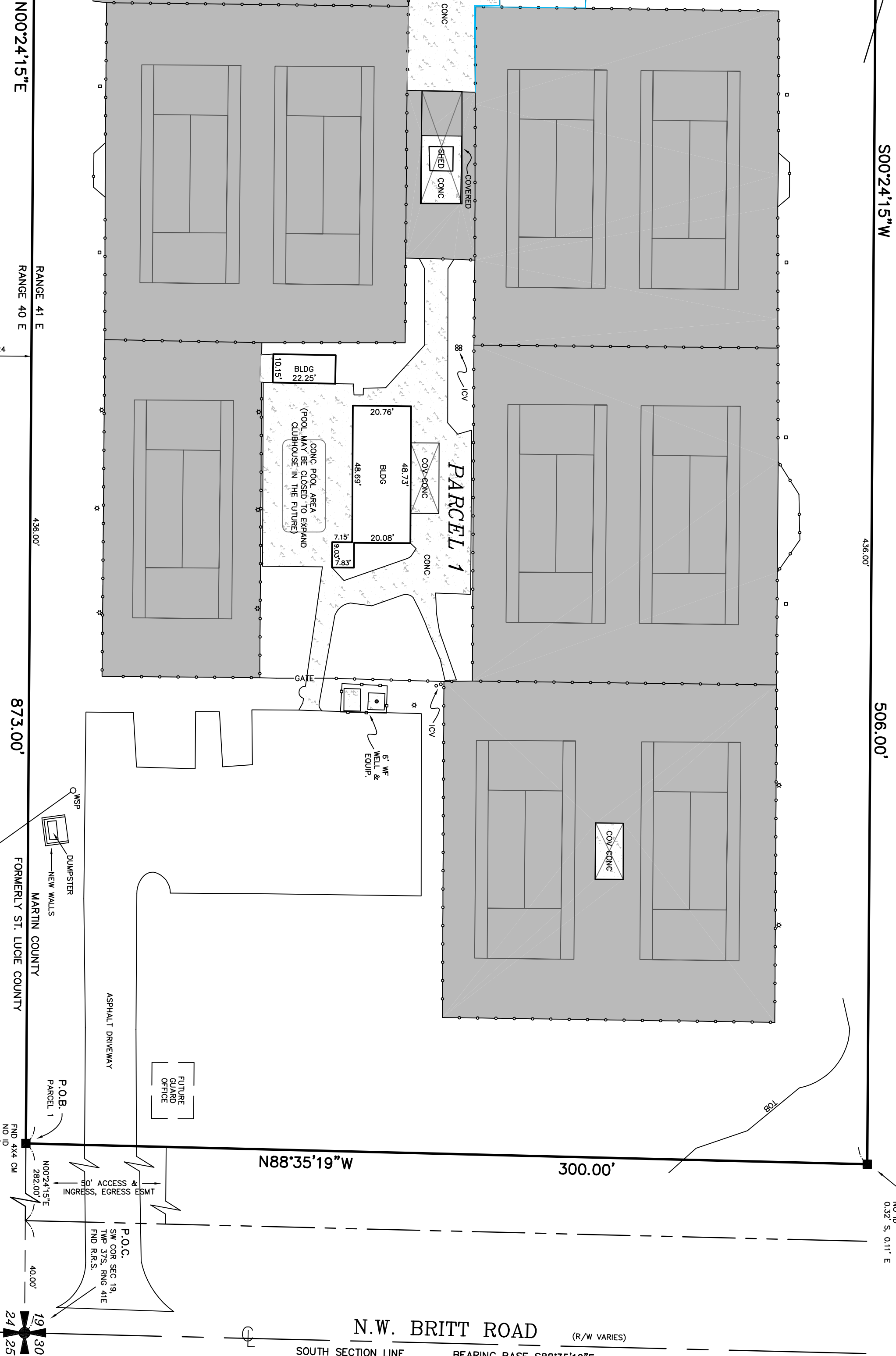
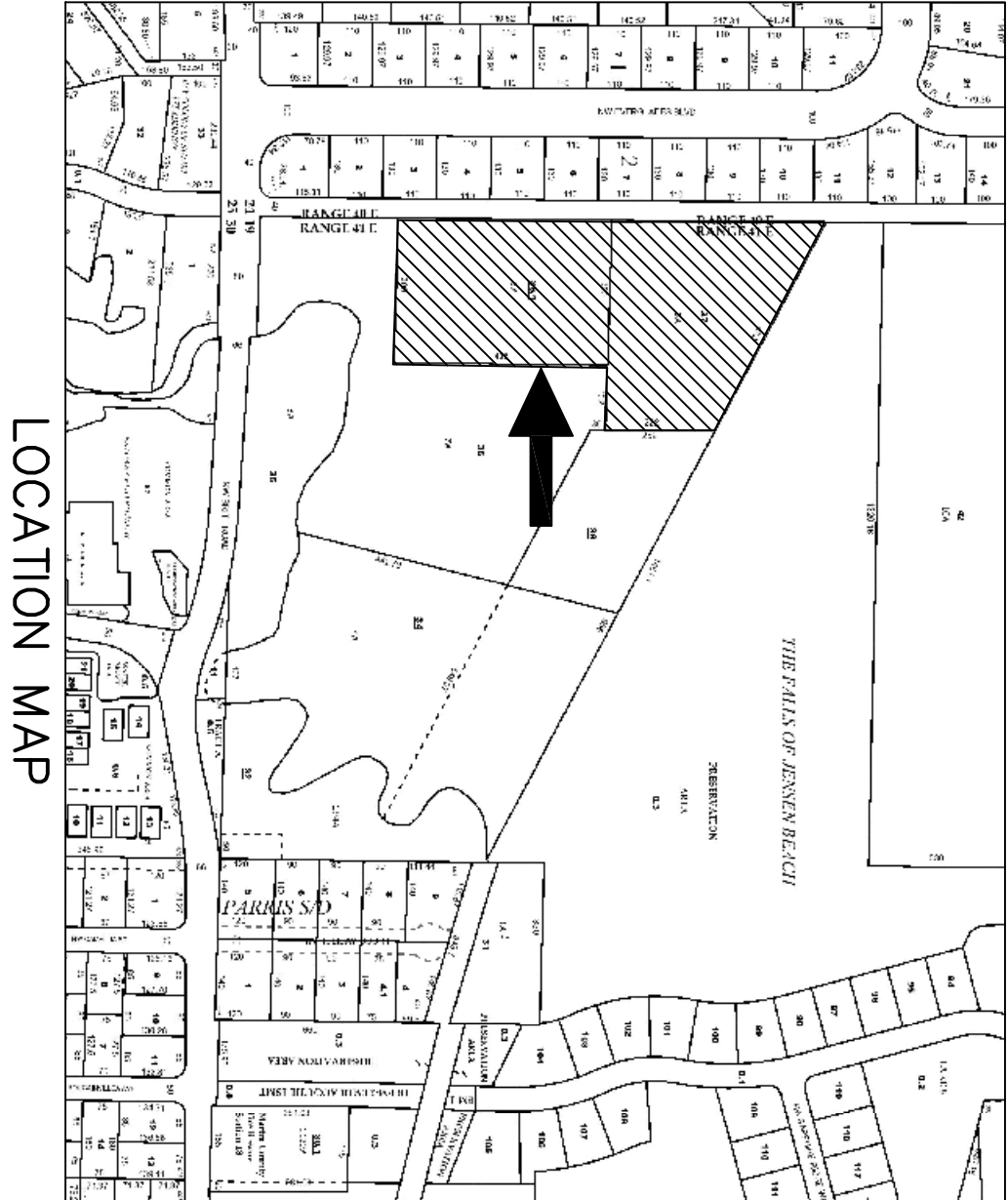
PARCEL 1:
BEGINNING AT THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 37 SOUTH, RANGE 41 EAST, THENCE RUN NORTH ON THE WEST LINE OF SECTION 19, TOWNSHIP 37 SOUTH, RANGE 41 EAST, A DISTANCE OF 738 FEET TO THE POINT OF BEGINNING, THENCE RUN EAST SOUTH PARALLEL WITH THE SOUTH SECTION LINE, A DISTANCE OF 436 FEET, THENCE RUN WEST PARALLEL WITH THE WEST SECTION LINE, A DISTANCE OF 300 FEET, THENCE RUN NORTH PARALLEL TO THE WEST SECTION LINE A DISTANCE OF 436 FEET TO THE POINT OF BEGINNING, MARTIN COUNTY, FLORIDA.

PARCEL CONTAINS 130,779.78 SQUARE FEET, 3.00 ACRES, +/-.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND ACCESS IN COMMON WITH OTHERS, OVER, UPON AND ACROSS THE WEST 50 FEET OF THE SOUTH 322 FEET OF SAID SECTION 19, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

PARCEL 2:
LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1530, PAGE 2319, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL CONTAINS 142,322.01 SQUARE FEET, 3.27 ACRES, +/-.



1. PROPERTY ADDRESS: 2393 N.W. BRITT ROAD
2. CERTIFIED TO: NORTH RIVER SHORES TENNIS CLUB

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

"BEAU RIVAGE" PLAT No. 1
PLAT BOOK 11, PAGE 24, ST. LUCIE (NOW MARTIN) COUNTY, FLORIDA.

NOTES:

1. Survey of description as furnished by Client.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. All bearings are referenced to the South line of section 19, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.
4. Easements as shown on the South line of section 19, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, are shown on the North line of section 19, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 1208500131G & 12111C0406L, dated 03/16/2015, locates the parcel in Zone AE, base flood elevation, 6.0 N/A, feet, subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
7. Underground foundations & utilities not located unless shown.
8. The survey was conducted in accordance with the Florida Surveying and Mapping Act, Chapter 40, F.S., and the rules and regulations of the Florida Board of Surveying and Mapping.
9. All measurements are in accordance with the United States standard, party or parties is prohibited without written consent of the signing party or parties.

REVISED FINAL SITE PLAN

PREPARED FOR: NORTH RIVER SHORES TENNIS CLUB

STEPHEN J. BROWN, INC

LICENSED BUSINESS NUMBER:6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET; STUART, FLORIDA 34994 EMAIL: sjbinc@bellsouth.net PHONE: (772)-288-7176

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Stacey Hetherington

Name of Board/Agency:

Board of County Commissioners

Item/Issue: February 26, 2019, Agenda Item PHQJ-2 REQUEST APPROVAL OF A PUD ZONING AGREEMENT AND MASTER SITE PLAN FOR BRIDGEWATER PRESERVE (P115-006)

Name of person, group or entity with which communication took place: Tom Lucido and Morris Crady of Lucido & Associates

Subject matter of communication:

Describe investigations, site visits and provide any expert opinions received:

List and attach any written communication received:

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Stacey Hetherington

Name of Board/Agency:

Board of County Commissioners

Item/Issue: February 26, 2019, Agenda Item PHQJ-3 REQUEST FOR ABANDONMENT OF A 10 FOOT WIDE UTILITY EASEMENT, LOCATED ON LOTS 17 AND 18, LYING WITHIN THE LIMITS OF BAY SHORE VILLAGE

Name of person, group or entity with which communication took place: n/a

Subject matter of communication:

Describe investigations, site visits and provide any expert opinions received: n/a

List and attach any written communication received: n/a